



~~Receipt~~  
**FILE COPY**  
PCT  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Jeffrey O. Phillips et al. )

Serial No. 09/600,012 )

Filed: July 7, 2000 )

Title: METHOD AND APPARATUS FOR  
MONITORING CEREBRAL PHYSIOLOGY )

Attorney Docket No.: CUMP.75681

Group Art Unit: 1616

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Customer Correction Branch, Washington, D.C. 20231, on:

2/15/01  
Date

*Susan A. White*  
Signature

**SECOND REQUEST FOR CORRECTED FILING RECEIPT**

Assistant Commissioner for Patents  
Application Processing Division  
Customer Correction Branch  
Washington, D.C. 20231

Dear Sir:

Attached is a copy of the official filing receipt and a copy of the first corrected filing receipt received from the PTO in the above application for which issuance of a second corrected filing receipt is respectfully requested. There is one error, which was apparently made by the PTO, as follows:

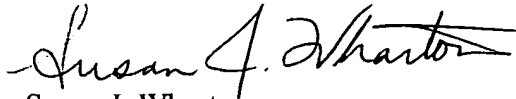
1. The Filing Date has been incorrectly shown as 09/08/2000. The correct filing date of the application is 09/06/2000. Attached is a copy of the Response to the Notice of Missing Parts with a Certificate of Mailing dated 9/6/2000.

RECEIVED  
JUN 13 2001  
TC STOD MAIL ROOM

It is respectfully requested that the above error be corrected and that a second corrected Filing Receipt be issued. As the error was made by the PTO, we do not believe a fee is due.

Thank you for your prompt attention.

Respectfully submitted,

  
Susan J. Wharton  
Reg. No. 41,524

SHOOK, HARDY & BACON L.L.P.  
One Kansas City Place  
1200 Main Street  
Kansas City, Missouri 64105-2118  
816/474-6550

RECEIVED  
JUN 18 2011  
TO CTO MAIL ROOM



## UNITED STATES PATENT AND TRADEMARK OFFICE

FILE COPY

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov


Bib Data Sheet

CONFIRMATION NO. 7874

<b>SERIAL NUMBER</b> 09/600,012	<b>FILING DATE</b> 09/06/2000 <b>RULE</b>	<b>CLASS</b>	<b>GROUP ART UNIT</b> 3736	<b>ATTORNEY DOCKET NO.</b> CUMP.75681
------------------------------------	---	--------------	-------------------------------	--

## APPLICANTS

 Jeffrey Owen Phillips, Ashland, Boone Country, MI;  
 Roger Eugene Huckfeldt, Columbia, Boone Country, MI;

## \*\* CONTINUING DATA \*\*\*\*\*

THIS APPLICATION IS A 371 OF PCT/IB99/00088 01/07/1999

## \*\* FOREIGN APPLICATIONS \*\*\*\*\*

UNITED KINGDOM 9800370.0 01/08/1998

## IF REQUIRED, FOREIGN FILING LICENSE

GRANTED \*\* 09/22/2000

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	<b>STATE OR COUNTRY</b> MI	<b>SHEETS DRAWING</b> 2	<b>TOTAL CLAIMS</b> 9	<b>INDEPENDENT CLAIMS</b> 6
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials		

## ADDRESS

 William B Kircher  
 Shook Hardy & Bacon  
 One Kansas City Place  
 1200 Main Street  
 Kansas City, KS 64105-2118

## TITLE

Method and apparatus for monitoring cerebral physiology

<b>FILING FEE RECEIVED</b> 1204	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees ( Filing )
		<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )
		<input type="checkbox"/> 1.18 Fees ( Issue )
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/600,012	09/08/2000	1616	1204	CUMP-68854 75681	2	9	6

William B Kircher  
Shook Hardy & Bacon  
One Kansas City Place  
1200 Main Street  
Kansas City, KS 64105-2118



## FILING RECEIPT



\*OC000000005421099\*

Date Mailed: 09/25/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Jeffrey Owen Phillips, Ashland, Boone Country, MI ;  
Roger Eugene Huckfeldt, Columbia, Boone Country, MI ;

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A 371 OF PCT/IB99/00088 01/07/1999

## Foreign Applications

UNITED KINGDOM 9800370.0 01/08/1998

If Required, Foreign Filing License Granted 09/22/2000

## Title

Method and apparatus for monitoring cerebral physiology

## Preliminary Class

424

Data entry by : ORDENEZ, MARTA

Team : OIPE

Date: 09/25/2000



RECEIVED  
JUN 13 2001  
TC 3700 MAIL ROOM



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Cod , Section 184  
Title 37, Cod of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

RECEIVED  
JUN 18 2001  
TO 3700 MAIL ROOM



Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

RECEIVED  
JUN 19 2001  
TC 3700 MAIL ROOM



## UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 16 2001

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/600,012	09/08/2000	1616	1204	CUMP.75681	2	9	6

William B Kircher  
Shook Hardy & Bacon  
One Kansas City Place  
1200 Main Street  
Kansas City, KS 64105-2118



## CORRECTED FILING RECEIPT



\*OC00000005667071\*

Date Mailed: 01/10/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Jeffrey Owen Phillips, Ashland, Boone County, MI ;  
Roger Eugene Huckfeldt, Columbia, Boone County, MI ;

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A 371 OF PCT/IB99/00088 01/07/1999

## Foreign Applications

UNITED KINGDOM 9800370.0 01/08/1998

If Required, Foreign Filing License Granted 09/22/2000

RECEIVED  
JUN 18 2001  
TC 5700 MAIL ROOM

## Title

Method and apparatus for monitoring cerebral physiology

## Preliminary Class

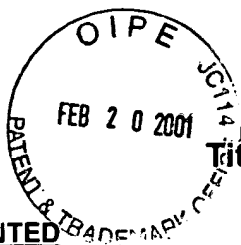
424

Data entry by : SMALLWOOD, EAON

Team : OIPE

Date: 01/10/2001





**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

RECEIVED  
JUN 18 2001  
U.S. PATENT & TRADEMARK OFFICE





Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

RECEIVED

JUN 19 2001

TO STCO MAIL ROOM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant(s): Jeffrey O. Phillips et al.

Serial No. 09/600,012

Filed: July 7, 2000

METHOD AND APPARATUS FOR  
MONITORING CEREBRAL PHYSIOLOGY )

Attorney Docket No. CUMP.75681



CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on:

9/6/00  
Date

*Susan J. Wharton*  
Signature

RESPONSE

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the Notice to File Missing Parts dated August 7, 2000, enclosed herewith is the signed Declaration for Patent Application. Also enclosed is a copy of the Notice and a check in the amount of \$130.00 for the surcharge for the notice.

The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment, to Deposit Account No. 19-2112. A duplicate copy of this response is enclosed.

Respectfully submitted,

*Susan J. Wharton*  
Susan J. Wharton  
Reg. No. 41,524

SJW/bsd  
Enclosures

SHOOK, HARDY & BACON L.L.P.  
One Kansas City Place  
1200 Main Street  
Kansas City, Missouri 64105-2118  
816/474-6550

RECEIVED  
18 2001  
MAIL ROOM



UNITED STATES PATENT AND TRADEMARK OFFICE  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

07/23/99 012 PHILLIPS FIRST NAMED APPLICANT CLMP 68854  
ATTY. DOCKET NO.

WILLIAM B KIRCHER  
1200 MAIN STREET  
KANSAS CITY KS 64105-2118

5071

INTERNATIONAL PUBLICATION NO. 88  
PCT/15997/0088  
I.A. FILING DATE PRIORITY DATE  
01/07/99 01/08/98  
DATE MAILED: 07 AUG 2000

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- ☐ a Designated Office (37 CFR 1.494),
  - ☒ an Elected Office (37 CFR 1.495):
  - ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application in:
    - ☐ a non-English language.
    - ☒ English.
  - ☐ Translation of the international application into English.
  - ☒ Oath or Declaration of inventor(s) for DO/EO/US.
  - ☐ Copy of Article 19 amendments.
  - ☐ Translation of Article 19 amendments into English.
  - ☐ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
  - ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_
  - ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_
  - ☐ Assignment document.
  - ☒ Power of Attorney and/or Change of Address.
  - ☐ Substitute specification filed \_\_\_\_\_
  - ☐ Verified Statement Claiming Small Entity Status.
  - ☒ Priority Document.
  - ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
  - ☐ Other:



Response due 9/7/00

RECEIVED  
JUN 19 2001  
TECHNICAL ROOM

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
    - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

- Enclosed:
- ☒ PCT/DO/EO/917
  - ☐ PTO-875
  - ☐ Notice of Defective Translation.
- FORM PCT/DO/EO/905 (December 1997)

Lamont Hunter  
National Stage Processing  
703 305-3333

Telephone: 703

75681

BEST AVAILABLE COPY

09/600012



Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/600,012	PHILLIPS	J CUMP. 68854
INTERNATIONAL APPLICATION NO.		
PCT/IB99/00088		
LA. FILING DATE		PRIORITY DATE
01/07/99		01/08/98
		08/07/00

DATE MAILED:

5071  
WILLIAM B KIRCHER  
1200 MAIN STREET  
KANSAS CITY KS 64105-2118



### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

RECEIVED  
JUN 12 2001  
10 3100 MAIL ROOM

Patent and Trademark Office  
National Stage Processing  
703 305 1538

Telephone: (703)

FORM PCT/DO/EO/917 (September 1996)

BEST AVAILABLE COPY